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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 LENIER AYERS,

10 Plaintiff,

11 v.

12 HENRY RICHARDS, *et al.*,

13 Defendants.

No. C08-5541 RJB/KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR PRODUCTION OF
DOCUMENTS

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15 Before the court is Plaintiff's Motion for Production of Documents and to Depose
16 Current and Previous SCC Staff Employees. Dkt. 71. Having viewed the motion, Defendant's
17 opposition (Dkt. 73), and balance of the record, the court finds that Plaintiff's motion should be
18 denied as moot.

19 *DISCUSSION*

20 This is Mr. Ayers' second request in one month to re-open discovery. Dkts. 59 and 65.
21 His motion was filed on January 13, 2010, the same day that the court denied his first request to
22 re-open discovery to allow the electronic depositions of defendants and staff witnesses. Dkt. 67
23 (Order) and Dkt. 71 (Plaintiff's motion). Because Plaintiff's second motion and the court's
24 Order appear to have crossed in the mail and the second motion is also devoid of any explanation
25 warranting the re-opening of discovery, the court finds that his second motion should be denied
26

1 as moot. The court will not admonish Plaintiff for filing frivolous motions as has been requested
2 by Defendants. However, Plaintiff is reminded that the discovery deadline in this case expired
3 on November 7, 2009. Dkt. 41.

4 Accordingly, it is **ORDERED**:

5 (1) Plaintiff's Motion for Production of Documents and to Depose Current and
6 Previous SCC Staff Employees (Dkt. 71) is **DENIED as moot**.
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8 (2) The Clerk is directed to send a copy of this Order to Plaintiff and to counsel for
9 Defendants.

10 DATED this 26th day of February, 2010.
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14 Karen L. Strombom
15 United States Magistrate Judge
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